

CHAPTER 6 PUBLIC PAY TELEPHONES

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600 REGISTRATION AND INSTALLATION

- 600.1 This chapter shall apply to Customer-Owned Coin and Credit Card Operated Telephones (COCOTs), and, where specified, to public pay telephones owned and operated by the Chesapeake and Potomac Telephone Company (C&P).
- 600.2 COCOTs may be connected to business telephone service offered by C&P. Owners of COCOTs and public pay telephones owned and operated by C&P are obligated to adhere to the following:
- (a) To the Commission rules and regulations; and
 - (b) To operate the instruments in the public interest.
- 600.3 Service to all public pay telephone instruments may be connected under the conditions set forth in this section.
- 600.4 Owners of unregistered in-service COCOTs and new COCOTs shall file a registration form with the Secretary of the Commission, along with a registration fee of twenty-five dollars (\$25.00) for each COCOT instrument, by check or money order payable to the D.C. Treasurer.
- 600.5 COCOT owners shall be at least eighteen (18) years of age.
- 600.6 Upon the filing of a registration form for a new instrument that is proposed to be located in an outdoor area, the following shall apply:
- (a) The Commission Secretary shall notify the Office of the People's Counsel and the Advisory Neighborhood Commission of the community where the instrument shall be located;

- (b) These parties, and any other interested party, shall have thirty (30) days, from the date of the Commission's notice, to respond to the proposal to install the new instrument;
 - (c) If the Commission Secretary does not receive opposition to the proposal within the thirty (30) day period, the service to the instrument shall be authorized, unless the Commission, on its own investigation, determines that authorization of service would not be in the public interest;
 - (d) The Commission may, at its discretion, conduct a hearing to address citizen concerns over the proposal; and
 - (e) If the person opposes the proposal to locate an instrument at an outdoor location, the Commission shall initiate an informal complaint proceeding as provided from in §605 of this chapter, unless the applicant withdraws the application within five (5) business days of the Commission's receipt of the opposition.
- 600.7 Upon approval of the filing by the Secretary of the Commission, a COCOT owner shall be issued a certification number for each registered COCOT instrument. No COCOT owner shall be entitled to receive access to local exchange service unless the COCOT owner has properly registered the instrument(s) with the Secretary of the Commission, has paid the registration fee(s), and has been designated a certification number for each instrument.
- 600.8 COCOT instruments shall be registered in compliance with Part 68 of the Federal Communications Commission (FCC) Registration Program or be connected behind an FCC-registered coupler.
- 600.9 COCOT instruments shall comply with generally accepted telecommunications industry technical standards and the current National Electric Code and National Electrical Safety Code.
- 600.10 COCOT owners shall be responsible for the installation, operation, and maintenance of any COCOT instruments used in connection with this service.
- 600.11 COCOT owners shall be responsible for payment of all telephone company charges, including all service charges, for this service, as well as charges for all local and toll messages originated or accepted at this type of service.
- 600.12 C&P shall notify the Commission as to any proposal to install a public pay telephone in an outdoor area. Upon notification to the Commission Secretary of the proposal to install a public pay telephone in an outdoor area, the notice procedures outlined at §600.6 shall apply.
- 600.13 COCOT instruments shall be connected to one (1) party service and only one (1) COCOT per line shall be permitted. If a non-coin extension instrument is connected to the line, the instruments shall be configured and wired so that only one (1) telephone will operate on the line at one time.

- 600.14 No COCOT instrument shall be installed in any Metrorail, bus, or train terminal in the District of Columbia.
- 600.15 The Commission shall not be held responsible for any contractual obligations between public pay telephone lessors and lessees that are affected by a Commission determination that service to an instrument be terminated or altered in response to a citizen complaint.
- 600.16 Owners of public pay telephones operating in outdoor areas are encouraged to locate their instruments in areas with sufficient lighting during daytime and nighttime hours, and that are visible from the nearest street on which the instrument is located.

AUTHORITY: Unless otherwise noted, the authority for this chapter is Paragraph 97(b) of §8 of An Act Making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 977); as amended by §2 of the Public Utilities Amendment Act of 1989, D.C. Law 8-47, D.C. Code §43-501 (1990 Repl. Vol.).

SOURCE: Final Rulemaking published at 40 DCR 7094 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 33 DCR 2230 (April 11, 1986); at 35 DCR 7494 (October 14, 1988); at 36 DCR 2719 (April 21, 1989); at 38 DCR 6778 (November 8, 1991); and at 39 DCR 4593 (June 19, 1992).

601 OPERATION OF PUBLIC PAY TELEPHONES

- 601.1 All COCOT and C&P owned instruments shall have the following operational characteristics:
- (a) Capability to access the telephone company operator at no-charge and without using a coin;
 - (b) Capability to access 911 Emergency Service at no-charge, without using a coin, and, when that instrument can only access 911 Emergency Service by use of a dialing sequence other than 911, the instruments shall prominently display the appropriate dialing sequence to access 911 Emergency Service;
 - (c) Capability to access 411 or "Information" at no-charge and without using a coin;
 - (d) Capability to accept nickels, dimes, and quarters, or where appropriate, credit cards;
 - (e) Capability to return coins for uncompleted calls;
 - (f) Capability to transmit incoming and outgoing calls, unless the following occurs:
 - (1) The instrument is located on the inside of a building and the instrument has been converted to provide outgoing calls only at the request of the customer; or

- (2) The Commission has received a complaint concerning the instrument and the instrument is converted to provide outgoing calls only as a result of an informal or a formal hearing;
 - (g) Capability to access "800" toll-free numbers; and
 - (h) Compliance with all applicable federal and local laws and regulations concerning the use of public pay telephones by disabled persons and the hearing impaired.
- 601.2 All instruments shall have prominently and permanently displayed the following information:
- (a) Name and address of the owner of the instrument;
 - (b) Procedures for reporting service difficulties;
 - (c) The price of a local call, and procedures for obtaining customer refunds;
 - (d) Notice that complaints concerning the instrument may be directed to the Commission at (202) 626-5100 and the Office of the People's Counsel at (202) 727-3071;
 - (e) The percentage by which the cost to the customer of a long distance call may be increased to the user of the equipment;
 - (f) The identity of the carrier that will handle the following:
 - (1) An intraLATA call when 0 or 1 plus the telephone number is dialed;
 - (2) An interLATA call when 0 or 1 plus the telephone number is dialed; and
 - (g) The Commission-issued certification number.
- 601.3 Lettering of displayed information shall be easily visible for the public.
- 601.4 Where appropriate, the Commission may, at its discretion, require that a public pay telephone not display the telephone number of the instrument.
- 601.5 When appropriate, a conspicuous notice shall be posted stating that a request has been made to convert the instrument to outgoing service only.
- 601.6 Owners of public pay telephones are encouraged to display a sign prohibiting loitering activity at their instruments, and a label warning the public that their instruments may come under surveillance by the Metropolitan Police Department.
- 601.7 The Commission encourages COCOT owners and C&P to program instruments to limit the duration of a local call to no longer than ten (10) minutes.

601.8 COCOT owners and C&P shall make reasonable efforts to ensure that current telephone directories for the District of Columbia are available at the site of each COCOT instrument.

601.9 Public pay telephone instruments shall operate in the public interest and not be used by owners or customers for illegal purposes. Instruments found to be used for illegal purposes shall be subject to termination or alteration of service.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7096 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 33 DCR 2230 (April 11, 1986); at 36 DCR 2719, 2720 (April 21, 1989); at 38 DCR 6778, 6780 (November 8, 1991); at 39 DCR 4593 (June 19, 1992); and at 40 DCR 3505 (May 28, 1993).

602 RATES AND CHARGES

602.1 The rate charged to a COCOT owners by C&P shall be C&P's business line rate.

602.2 Any additional services provided by C&P to COCOT owners shall be in accordance with C&P's tariffs for business customers.

602.3 The charge to COCOT users for local calls shall be the same as the rate charged by C&P to users of its public coin-operated telephones.

602.4 No charge shall be made for an uncompleted calls from a COCOT instrument.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7098 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 33 DCR 2230, 2232 (April 11, 1986); at 38 DCR 6778, 6782 (November 8, 1991); and at 40 DCR 3505 (May 28, 1993).

603 FILING REQUIREMENTS: TRANSFER OF OWNERSHIP AND ANNUAL REPORT

603.1 Prior to providing telephone service to the public, COCOT owners shall provide information on the COCOT registration form, as described in §600, which includes the following:

- (a) Name, address, and telephone number of operator;
- (b) Name, address, and telephone number of customer representative in the Washington, D.C. metropolitan area;
- (c) Location of COCOT instrument(s) and date(s) of commencement of service, if applicable;
- (d) Brief description of COCOT instrument(s) by name of manufacturer(s), model(s) and serial number and Federal Communications Commission registration number, and an indication as to whether the instrument operates by coin, credit card, or both coin and credit card;

- (e) An affidavit by the COCOT owner that he or she has read and understands the rules and regulations pertaining to COCOT instruments and the C&P instruments and the C&P tariff, and will adhere to the rules and regulations; and
- (f) A statement as to whether the instrument should be connected for one-way outgoing service.

603.2 Ownership of COCOT instruments shall not be transferred without prior Commission approval. In order to effectuate transfer of ownership of a COCOT instrument, the transferor shall file a transfer of ownership form with the Commission. The Commission shall approve or disapprove the request for transfer of ownership in writing within ten (10) days of receipt of the transfer request. Following the Commission's approval of the transfer of ownership, the new owner shall submit a copy of the Commission's approval to C&P. C&P shall not change the billing information on the COCOT that has been transferred until the new owner has provided C&P with a copy of the Commission's approval.

603.3 Upon Commission approval of the transfer of ownership, the COCOT instrument shall be issued a certification number, and be subject to all applicable rules under this chapter.

603.4 COCOT owners shall notify the Secretary of the Commission by letter within five (5) business days after the date of consummation of a transfer of ownership of a COCOT instrument, that the sale or transfer has taken place, and shall provide in the letter the date that the transaction was consummated. Upon consummation, the transferee shall be required to adhere to the provisions of this chapter.

603.5 COCOT owners shall file an Annual Report with the Secretary of the Commission and the Office of the People's Counsel on March 31st of each year. The Annual Report shall apply to, and cover, the preceding calendar year. This Annual Report shall set forth and contain the Commission certification number of each COCOT instrument held, the number of calls made at each COCOT location, and a listing of the telephone number and location of the COCOTs.

603.6 COCOT transfer of ownership forms shall be forwarded to C&P by the Secretary of the Commission.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7100 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 33 DCR 2230, 2232 (April 11, 1986); at 36 DCR 2719, 2720 (April 21, 1989); at 38 DCR 6778, 6782 (November 8, 1991); and at 40 DCR 3505 (May 28, 1993).

604 PENALTIES

604.1 Failure to comply with this chapter may result in the penalties described in D.C. Code §43-307 (1989 Repl. Vol.) for failure to comply with Commission rules and regulations.

604.2 Failure to comply with this chapter, after notice of a violation, shall constitute cause for termination of service to a COCOT instrument by C&P.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7100 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 33 DCR 2230, 2233 (April 11, 1986); and at 38 DCR 6778, 6784 (November 8, 1991).

605 COMPLAINT PROCEDURES: INFORMAL AND FORMAL

605.1 A COCOT owner or C&P shall notify the Commission of any citizen complaint received. Notice shall be made to the Commission within five (5) days after receipt of the complaint by the COCOT owner or by C&P.

605.2 If the Commission receives a complaint, alleging that a public pay telephone owner has violated any rule(s) or regulation(s) in this chapter; that a public pay telephone instrument has attracted rude, loud, or boisterous behavior by persons utilizing the instrument over a period of time; or that a public pay telephone instrument is being used for illegal purposes, the Commission shall institute the following procedures:

- (a) Within thirty (30) days of the Commission's receipt of a complaint, the Commission staff shall conduct an informal hearing in order to determine how the complaint will be addressed, and the matter resolved;
- (b) The Secretary of the Commission shall provide notice of the informal hearing by first-class registered mail to the following:
 - (1) The complainant;
 - (2) The instrument's owner;
 - (3) The C&P;
 - (4) The owner of the property upon which the instrument is located;
 - (5) The Office of the People's Counsel;
 - (6) The local Advisory Neighborhood Commission representative in the ward where the instrument is located; and
 - (7) The Metropolitan Police Department (if the complaint alleges illegal use of the instrument);
- (c) If the complaint is resolved informally, the parties shall sign a statement provided to them by Commissions staff indicating that the matter has been settled between the parties.
- (d) Upon request by a complainant, and where good cause is shown, the Commission shall preserve the confidentiality of the complainant; and

- (e) The Commission shall schedule a formal hearing to take place within sixty (60) days of the date of the informal hearing. If the matter is not settled by the parties at the informal hearing, one of the following may occur:
 - (1) At least three (3) complainants in attendance may request a formal hearing;
 - (2) The Office of the People's Counsel files, on behalf of at least one complainant, a petition for a formal hearing and the Commission subsequently determines that a formal hearing would be in the public interest; or
 - (3) Following the informal hearing, but no later than forty-five (45) days after the informal hearing, an Advisory Neighborhood Commission, pursuant to a meeting and a valid vote, files a request for a formal hearing with the Commission.

605.3 Upon the docketing of a formal complaint, the Commission shall commence the following procedures:

- (a) The Secretary of the Commission shall provide notice of the formal hearing by first-class registered mail to the following:
 - (1) The complainant;
 - (2) The instrument's owner;
 - (3) The C&P;
 - (4) The owner of the property upon which the instrument is located;
 - (5) The Office of the People's Counsel;
 - (6) The local Advisory Neighborhood Commission representative in the ward where the instrument is located; and
 - (7) The Metropolitan Police Department (if the complaint alleges illegal use of the instrument);
- (b) The hearing shall be conducted within sixty (60) days of the date that the informal meeting was conducted;
- (c) The Hearing Officer shall render a decision on the matter within fourteen (14) days of the date of the formal hearing;
- (d) The COCOT owner shall be required to maintain with the Secretary of the Commission a current mailing address for purposes of service of the notice referenced in §605.2(a);

- (e) The Secretary of the Commission shall be deemed to have duly notified a COCOT owner by mailing a letter by registered first-class mail to the mailing address of record of the COCOT owner; and
 - (f) Upon request by a complainant and where good cause is shown, the Hearing Officer shall preserve the confidentiality of the complainant, when the Hearing Officer deems this as reasonable and necessary.
- 605.4 The Commission or a designated Hearing Officer may reschedule any hearing conducted under §§605.2 and 605.3 upon notice and for good cause shown by a party to the matter.
- 605.5 In the event that a party fails to attend a scheduled formal hearing, and in absence of notice and good cause shown, the Commission or designated Hearing Officer shall hear evidence and render a decision, or reschedule the hearing within five (5) days.
- 605.6 The COCOT owner may examine any relevant records of the Commission.
- 605.7 The COCOT owner may appear at the hearing *pro se* or be represented by counsel.
- 605.8 The causes for filing a complaint over a public pay telephone shall include, but not be limited to, the following:
 - (a) Continuous rude, loud or boisterous behavior by persons utilizing the instrument over a period of time;
 - (b) The instrument is being used for illegal purposes; or suspicious activity at the instrument; or
 - (c) The instrument does not comply with the rules of the Public Service Commission of the District of Columbia.
- 605.9 The parties to a complaint shall be given wide latitude in formulating remedial measures resolving citizen complaints. The measures that may be considered by the parties in resolving citizen complaints include the following:
 - (a) Conversion of instrument to outgoing service only;
 - (b) Limiting the capability of an instrument to dial a pager;
 - (c) Temporary termination of service to the instrument for a period of time to deter undesirable activity at the instrument;
 - (d) Permanent termination of service during nighttime hours only, with the exception of operator and 911 emergency service;
 - (e) Relocation of instrument; or

- (f) Permanent termination of service of instrument, and removal of the equipment from the area at which the instrument is located.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7100 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 35 DCR 7494, 7495 (October 14, 1988); at 38 DCR 6778, 6784 (November 8, 1991); at 39 DCR 4593, 4594 (June 19, 1992); and at 40 DCR 3505 (May 28, 1993).

606 RECONNECTION OF COCOT INSTRUMENTS

- 606.1 If an instrument is disconnected as a result of an formal hearing or an informal hearing as provided by §605.2, the instrument owner may not apply for reconnection of the affected instrument until one (1) year after the date of termination, unless the Commission declares otherwise.
- 606.2 If an instrument is disconnected as a result of a formal hearing or an informal hearing as provided by §605.2, no new instrument may be placed within a one (1) business or residential block radius of the disconnected instrument until one (1) year after the date of termination, unless the Commission declares otherwise. This restriction does not apply to instruments that are to be located on the inside of a building.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7103 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 35 DCR 7494, 7496 (October 14, 1988); at 38 DCR 6778, 6787 (November 8, 1991); and at 39 DCR 4593, 4594 (June 19, 1992).

607 CALL SCREENING SERVICE

- 607.1 The C&P shall offer a call screening service to COCOTs at a reasonable rate.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7103 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 33 DCR 2230, 2233 (April 11, 1986); at 35 DCR 7494, 7496 (October 14, 1988); and at 38 DCR 6778, 6787 (November 8, 1991).

608 WAIVER

- 608.1 The rules and regulations contained in this chapter may be waived by the Commission, at its discretion.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7103 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notice at 38 DCR 6778, 6787 (November 8, 1991).

699 DEFINITIONS

- 699.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Annual Report - a report filed annually with the Commission by COCOT owners which lists the Commission certification number for each COCOT, the number of calls made from each COCOT location, and the telephone number(s) and location(s) of the COCOT(s) owned by a COCOT owner.

Certification Number - the number designated to a COCOT instrument by the Commission.

Commission - the Public Service Commission of the District of Columbia.

Customer-Owned Coin and Credit-Card Operated Telephone (COCOT) - a telecommunications device connected to the C&P network which is owned and operated by a person or entity other than C&P, and which is designed to allow a customer to make telephone calls with a coin, a credit card, or with both coin and credit card.

COCOT Owner - the person or business registered with the Public Service Commission of the District of Columbia; such person or business is a public utility and telephone corporation pursuant to D.C. Code §§43-203 and 43-217 (1990 Repl. Vol.).

COCOT Customer - a person utilizing an instrument.

Connection or Connected - the act of implementing telecommunications operations to a COCOT instrument by C&P.

The Chesapeake and Potomac Telephone Company (C&P) - the public utility servicing the District of Columbia pursuant to D.C. Code §§43-203 and 43-217 (1990 Repl. Vol.).

Instrument - a customer-owned coin and credit card operated telephone or a public pay telephone owned and operated by The Chesapeake and Potomac Telephone Company.

InterLATA Call - a telephone call that originates within one local access and transport area (LATA) and terminates in another LATA.

IntraLATA Call - a telephone call that originates and terminates within the same local access and transport area (LATA).

Outgoing Service - where service to an instrument is converted so that a user may only make an outgoing telephone call, and no incoming calls may be received at the instrument.

Registration - the act of registering, on PSC Form No. 1, a COCOT with the Secretary of the Commission.

Transfer of Ownership - a change of ownership of a COCOT instrument by sale or gratuity, or any other voluntary or involuntary act.

SOURCE: Final Rulemaking published at 40 DCR 7094, 7103 (October 8, 1993).

HISTORICAL NOTE: Prior to October 8, 1993, the Public Service Commission of the District of Columbia published Final Rulemaking notices at 33 DCR 2230, 2232 (April 11, 1986); at 36 DCR 2719, 2720 (April 21, 1989); at 38 DCR 6778, 6787 (November 8, 1991); and at 39 DCR 4593, 4594 (June 19, 1992).

